

Union Calendar No. 473

112TH CONGRESS
2D SESSION

H. R. 5544

[Report No. 112-655]

To authorize and expedite a land exchange involving National Forest System land in the Laurentian District of the Superior National Forest and certain other National Forest System land in the State of Minnesota that has limited recreational and conservation resources and lands owned by the State of Minnesota in trust for the public school system that are largely scattered in checkerboard fashion within the Boundary Waters Canoe Area Wilderness and have important recreational, scenic, and conservation resources, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2012

Mr. CRAVAACK introduced the following bill; which was referred to the Committee on Natural Resources

SEPTEMBER 10, 2012

Additional sponsor: Mr. KLINE

SEPTEMBER 10, 2012

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 8, 2012]

A BILL

To authorize and expedite a land exchange involving National Forest System land in the Laurentian District of the Superior National Forest and certain other National Forest System land in the State of Minnesota that has limited recreational and conservation resources and lands owned by the State of Minnesota in trust for the public school system that are largely scattered in checkerboard fashion within the Boundary Waters Canoe Area Wilderness and have important recreational, scenic, and conservation resources, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Minnesota Education*
5 *Investment and Employment Act”.*

6 **SEC. 2. LAND EXCHANGE, BOUNDARY WATERS CANOE AREA**

7 **WILDERNESS AND SUPERIOR NATIONAL FOR-**
8 **EST, MINNESOTA.**

9 (a) *FINDINGS.—Congress makes the following findings:*

10 (1) *The State of Minnesota owns multiple par-*
11 *cels of land in the Boundary Waters Canoe Area Wil-*
12 *derness in the Superior National Forest that were*
13 *granted to the State through sections 16 and 36 of the*
14 *Enabling Act of 1857 to be held in trust for the ben-*
15 *efit of the public school system in the State (in this*
16 *section referred to as “State trust lands”).*

17 (2) *The State trust lands were acquired by the*
18 *State long before the establishment of either the Na-*
19 *tional Forest System or the wilderness area and are*
20 *scattered in a largely checkerboard fashion amid the*
21 *Superior National Forest and the wilderness area.*

22 (3) *The presence of State trust lands in the wil-*
23 *derness area makes land and resource management in*
24 *the wilderness area more difficult, costly, and con-*
25 *troversial for the United States and the State.*

1 (4) Although the State trust lands were granted
2 to the State to generate financial support for the pub-
3 lic school system through the sale or development of
4 natural resources, development of those resources in
5 the wilderness area may be incompatible with man-
6 aging the wilderness area for recreational, natural,
7 and conservation purposes.

8 (5) The United States owns land and interests in
9 land in other parts of the State that can be trans-
10 ferred to the State in exchange for the State trust
11 lands without jeopardizing Federal management ob-
12 jectives or needs.

13 (6) It is in the public interest to exchange, on
14 terms that are fair to the United States and the
15 State, National Forest System land in the State that
16 has limited recreational and conservation resources
17 for State trust lands located in the wilderness area
18 with important recreational, scenic, and conservation
19 resources for permanent public management and use.

20 (7) The Legislature of the State of Minnesota,
21 meeting in its 87th Legislative Session, passed (and
22 on April 27, 2012, the Governor of Minnesota ap-
23 proved) S.F. No. 1750 (Chapter 236), section 4 of
24 which adds section 92.80 to the Minnesota Statutes to
25 expedite the exchange of a portion of the State trust

1 *lands located within the Boundary Waters Canoe
2 Area Wilderness.*

3 *(b) LAND EXCHANGE REQUIRED.—The Secretary of
4 Agriculture shall consummate a land exchange with the
5 State of Minnesota pursuant to section 4 of S.F No. 1750
6 (Chapter 236) of the Legislature of the State of Minnesota
7 (section 92.80 of the Minnesota Statutes) to acquire all
8 right, title, and interest of the State in and to certain State
9 trust lands identified as provided in such section in ex-
10 change for all right, title, and interest of the United States
11 in and to National Forest System land in the State for in-
12 clusion in the State trust lands.*

13 *(c) VALUATION OF LANDS FOR EXCHANGE.—Subdivi-
14 sion 4 of section 4 of S.F No. 1750 (Chapter 236) of the
15 Legislature of the State of Minnesota (section 92.80 of the
16 Minnesota Statutes) shall control for purposes of the exam-
17 ination and value determination of the lands to be ex-
18 changed.*

19 *(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact
20 acreage and legal description of the land to be exchanged
21 under subsection (b) shall be determined by a survey satis-
22 factory to the Secretary. The State of Minnesota shall be
23 responsible for the costs of the survey and all other adminis-
24 trative costs related to the land exchange.*

1 (e) *BOUNDARIES AND MANAGEMENT OF ACQUIRED
2 LAND.*—

3 (1) *LAND ACQUIRED BY SECRETARY.*—

4 (A) *IN GENERAL.*—*The land acquired by the
5 Secretary under subsection (b) shall be added to
6 and administered as part of the Boundary
7 Waters Canoe Area Wilderness established pursu-
8 ant to section 3 of the Wilderness Act (16 U.S.C.
9 1132(a)), and the Secretary shall modify the
10 boundaries of the wilderness area to reflect inclu-
11 sion of the acquired lands. Subject to subpara-
12 graph (B), the land acquired by the Secretary
13 shall be managed in accordance with the Wilder-
14 ness Act (16 U.S.C. 1131 et seq.) and other laws
15 and regulations applicable to the National Wil-
16 derness Preservation System.*

17 (B) *NO EFFECT ON EXISTING FISHING AND
18 HUNTING RIGHTS.*—*The acquisition of land by
19 the United States under subsection (b) and in-
20 clusion of the land in the Boundary Waters
21 Canoe Area Wilderness shall not alter or other-
22 wise affect—*

23 (i) *any fishing and hunting rights in
24 existence with respect to the land imme-*

1 *diately before the conveyance of the land to*
2 *the United States; or*

3 *(ii) the use of such rights after convey-*
4 *ance.*

5 *(2) LAND ACQUIRED BY STATE.—The land ac-*
6 *quired by the State of Minnesota under subsection (b)*
7 *shall be deemed to be State trust lands and shall be*
8 *held in trust for the benefit of the public school system*
9 *in the State. It is the sense of Congress that, whenever*
10 *the land acquired by the State of Minnesota under*
11 *subsection (b) is not being used for revenue-generating*
12 *activities, the State should make the land available*
13 *for other compatible uses, including hunting, fishing,*
14 *hiking, biking, snowmobiling, and trail riding.*

15 *(3) BOUNDARIES OF SUPERIOR NATIONAL FOR-*
16 *EST.—The Secretary shall modify the boundaries of*
17 *the Superior National Forest to reflect the land ex-*
18 *change conducted under this section.*

19 *(f) RELATION TO OTHER LAWS.—*

20 *(1) LAND AND WATER CONSERVATION FUND*
21 *ACT.—For purposes of section 7 of the Land and*
22 *Water Conservation Fund Act of 1965 (16 U.S.C.*
23 *460l–9), the boundaries of the Superior National For-*
24 *est, as modified by subsection (e)(3), shall be consid-*

1 *ered to be boundaries of the Superior National Forest*
2 *as of January 1, 1965.*

3 *(2) NOT A MAJOR FEDERAL ACTION.—The land*
4 *exchange conducted under this section shall not be*
5 *considered to be a major Federal action.*

6 *(g) NO IMPACT ON OTHER LAND EXCHANGES.—The*
7 *land exchange described in subsection (b) does not affect any*
8 *land exchange involving National Forest System land in*
9 *the State of Minnesota underway as of the date of the enact-*
10 *ment of this Act.*

11 *(h) REPORT.—If the Secretary fails to complete the*
12 *land exchange described in subsection (b) before the end of*
13 *the 18-month period beginning on the date of the enactment*
14 *of this Act, the Secretary shall submit to Congress, not later*
15 *than 30 days after the end of such period, a report—*

16 *(1) specifying the reasons why the exchange has*
17 *not been completed; and*

18 *(2) stating the date by which the Secretary an-*
19 *ticipates the conveyance will be completed.*

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